

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-28 in the application. In a previous response, the Applicant amended Claims 1, 8, 15 and 22, added Claims 29-43 and canceled Claims 2, 9, 16 and 22 without prejudice or disclaimer. In the present response, the Applicant has not amended, canceled or added any claims. Accordingly, Claims 1, 3-8, 10-15, 17-21 and 23-43 are currently pending in the application.

In the present Final Rejection, the Examiner indicated that Claims 1, 3-8, 10-15, 17-21, 23-28 and 39-43 are allowable and that dependent Claims 33 and 38 include allowable subject matter. As argued below, the Applicant believes all of the pending claims are allowable.

I. Rejection of Claims 29-32 and 34-37 under 35 U.S.C. §102

The Examiner has rejected Claims 29-32 and 34-37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,878,077 to Betts. The Applicant respectfully disagrees.

Betts relates to high-speed modems using data precoding that are operable with the transmission and reception of simultaneous voice/data signals. (See column 1, lines 6-9.) Betts discloses a transmitter 100 including a FIFO buffer 102 that receives a user-input digital data signal and a voice control signal. (See column 3, lines 13-26 and Figure 1.) The Examiner asserts the FIFO buffer 102 teaches the assorter and assorter means of independent Claims 29 and 34, respectively. (See Final Rejection, page 2.) The FIFO buffer 102, however, does not select one of a first and a second received signals having disparate transmission characteristics as recited in independent Claims 29 and 34. Instead, the FIFO buffer 102 multiplexes the user-input digital data signal and the

voice control signal and then delivers certain predetermined bits of the multiplexed signal to a shell map 104, a differential encoder 106 and a mapper 108. (See column 3, lines 24-29 and Figure 1.) Thus, the FIFO buffer 102 does not disclose selecting one of first and second received signals having disparate transmission characteristics.

Therefore, Betts does not disclose each and every element of independent Claims 29 and 34 and as such, does not anticipate Claims 29 and 34 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102(b) rejection with respect to Claims 29-32 and 34-37 and allow issuance thereof.

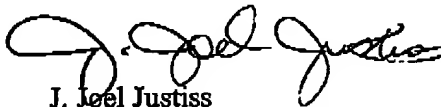
II. Conclusion

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15, 17-21 and 23-43.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss

Registration No. 48,981

Dated:

12/9/05

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800